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JC511 U.S. PTO

12-10-01 A

PTO/SB/05 (08-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)

2. Applicant claims small entity status.
See 37 CFR 1.27.

3. Specification [Total Pages 22]
(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. Drawing(s) (35 U.S.C. 113) [Total Sheets]

5. Oath or Declaration [Total Pages]

- a. Newly executed (original or copy)
- b. Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 17 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

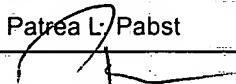
6. Application Data Sheet. See 37 CFR 1.76

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)of prior application No.: 09 / 661,836Prior application information: Examiner Nguyen, H.Group / Art Unit: 1617For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label		<input type="checkbox"/> Correspondence address below			
Name	Patrea L. Pabst Holland & Knight LLP				
Address	2000 One Atlantic Center 1201 West Peachtree Street				
City	Atlanta	State	GA	Zip Code	30309-3400
Country	United States	Telephone	404-817-8473	Fax	404-817-8588

Name (Print/Type)	Patrea L. Pabst	Registration No. (Attorney/Agent)	31,284
Signature			
Date	17/4/2001		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$406.00)

Complete if Known	
Application Number	Continuation of 09/661,836
Filing Date	December 4, 2001
First Named Inventor	James Ronald Lawter
Examiner Name	
Group Art Unit	
Attorney Docket No.	ORA 100/102 CON

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
 Deposit Account Number 50-1868

Deposit Account Name Holland & Knight LLP

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:
 Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)		
101 710	201 355	Utility filing fee	370.00		
106 320	206 160	Design filing fee			
107 490	207 245	Plant filing fee			
108 710	208 355	Reissue filing fee			
114 150	214 75	Provisional filing fee			

SUBTOTAL (1) (\$ 370.00)

2. EXTRA CLAIM FEES

Total Claims	-20	Extra Claims	Fee from below	Fee Paid
Independent Claims	24	4	x 9.00	= 36.00
Multiple Dependent	3	0	x	= 0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)		
103 18	203 9	Claims in excess of 20			
102 80	202 40	Independent claims in excess of 3			
104 270	204 135	Multiple dependent claim, if not paid			
109 80	209 40	** Reissue independent claims over original patent			
110 18	210 9	** Reissue claims in excess of 20 and over original patent			

SUBTOTAL (2) (\$ 36.00)

3. ADDITIONAL FEES	Fee Description	Fee Paid
Large Entity	Small Entity	
Fee Code (\$)	Fee (\$)	Fee Code (\$)
105 130	205 65	Surcharge - late filing fee or oath
127 50	227 25	Surcharge - late provisional filing fee or cover sheet
139 130	139 130	Non-English specification
147 2,520	147 2,520	For filing a request for ex parte reexamination
112 920*	112 920*	Requesting publication of SIR prior to Examiner action
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action
115 110	215 55	Extension for reply within first month
116 390	216 195	Extension for reply within second month
117 890	217 445	Extension for reply within third month
118 1,390	218 695	Extension for reply within fourth month
128 1,890*	228* 945	Extension for reply within fifth month
119 310	219 155	Notice of Appeal
120 310	220 155	Filing a brief in support of an appeal
121 270	221 135	Request for oral hearing
138 1,510	138 1,510	Petition to institute a public use proceeding
140 110	240 55	Petition to revive - unavoidable
141 1,240	241 620	Petition to revive - unintentional
142 1,240	242 620	Utility issue fee (or reissue)
143 440	243 220	Design issue fee
144 600	244 300	Plant issue fee
122 130	122 130	Petitions to the Commissioner
123 50	123 50	Petitions related to provisional applications
126 240	126 240	Submission of Information Disclosure Stmt
581 40	581 40	Recording each patent assignment per property (times number of properties)
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))
179	279 355	Request for Continued Examination (RCE)
169 900	169 900	Request for expedited examination of a design application
Other fee (specify)		

Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Patrell L. Pabst	Registration No. (Attorney/Agent)	31.284 Telephone 404-817.8473
Signature	12/4/2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PT-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James Ronald Lawter and Stephen J. Comiskey

Serial No.: Continuation of 09/661,836 Express Mail Label
No. EL 639 985 041 US

Filed: December 4, 2001 Date of Deposit: December 4, 2001

For: FORMULATIONS FOR TREATING OR PREVENTING MUCOSITIS

Box Patent Application
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

**REQUEST FOR FILING A CONTINUATION APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), applicants enclose for filing the attached new patent application entitled "*Formulations for Treating or Preventing Mucositis*". This application is a continuation of pending prior application Serial No. 09/661,836, filed September 14, 2000, entitled "*Formulations for Treating or Preventing Mucositis*", by James Ronald Lawter and Stephen J. Comiskey, which claims priority to U.S. Provisional Application Serial No. 60/153,892 filed September 14, 1999. The application includes 1 page of abstract, 16 pages of specification, 5 pages

Continuation of U.S.S.N. 09/661,836

Filed: December 4, 2001

**REQUEST FOR FILING A CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

Express Mail Label No.: EL 639 985 041 US

Date of Deposit: December 4, 2001

of claims, and a copy of the executed Declaration for Patent Application from prior application Serial No. 09/661,836.

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration for Patent Application included in the new application is a copy of the executed Declaration filed in parent application Serial No. 09/661,836, to which the new application claims benefit.

The inventorship for the claims in the new application is the same as in parent application Serial No. 09/661,836.

Enclosed are a Preliminary Amendment and an Information Disclosure Statement. Please preliminarily amend the application in accordance with the Preliminary Amendment.

Also enclosed from prior application Serial No. 09/661,836 are copies of the (a) Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers executed by OraPharma, Inc.; (b) Statement Under 37 C.F.R. § 3.73(b) executed by OraPharma, Inc.; and (c) recorded Assignment from James Ronald Lawter and Stephen J. Comiskey to OraPharma, Inc.

This application is entitled to claim small entity status pursuant to 37 C.F.R. § 1.27.

Continuation of U.S.S.N. 09/661,836

Filed: December 4, 2001

REQUEST FOR FILING A CONTINUATION

APPLICATION UNDER 37 C.F.R. § 1.53(b)

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Date of Deposit: December 4, 2001

Enclosed is a check in the amount of \$406.00 to cover the filing fee for a small entity. It is believed that this is the proper filing fee since the application includes 3 independent claims and a total of 24 claims upon entry of the enclosed Preliminary Amendment.

Also enclosed are an (a) Application Data Sheet; (b) Utility Patent Application Transmittal; and (c) Fee Transmittal (in duplicate).

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1868. To facilitate this process, applicants enclose a duplicate of this transmittal.

The power of attorney in the prior application is to Patrea L. Pabst.

All correspondence concerning this application should be mailed to:

Patrea L. Pabst, Esq.
HOLLAND & KNIGHT LLP
2000 One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, GA 30309-3400

This application is being filed on December 4, 2001, by mailing the application to Box Patent Application, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202 via the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10. The Express Mail Label

Continuation of U.S.S.N. 09/661,836

Filed: December 4, 2001

**REQUEST FOR FILING A CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

Express Mail Label No.: EL 639 985 041 US

Date of Deposit: December 4, 2001

number appears in the heading of this paper which is attached to the application
papers pursuant to 37 C.F.R. § 1.10(b).

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

Date: December 4, 2001

HOLLAND & KNIGHT LLP
2000 One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, Georgia 30309-3400
(404) 817-8473 (Telephone)
(404) 817-8588 (Fax)

Continuation of U.S.S.N. 09/661,836

Filed: December 4, 2001

REQUEST FOR FILING A CONTINUATION

APPLICATION UNDER 37 C.F.R. § 1.53(b)

Express Mail Label No.: EL 639 985 041 US

Date of Deposit: December 4, 2001

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, December 4, 2001, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 639 985 041 US, addressed to Box Patent Application, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

Pam Turnbough

Pam Turnbough

Date: December 4, 2001

ATL1 #494516 v1